

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Housing Department - Allegations of misappropriation and irregularities by the officials of Andhra Pradesh Housing Board, Hyderabad while purchasing the non-teak wood and execution of the scheme during the construction of Housing Board Colony across Andhra Pradesh – Sri B. Mallesham (A-6), Deputy Executive Engineer/ Works Manager, North Division, Andhra Pradesh Housing Board, Hyderabad from 19.08.1989 to 18.08.1994 – Sanction of Prosecution under the Prevention of Corruption Act, 1988 (Act 49 of 1988) and Section 21 of Indian Penal Code - Orders – Issued.

Housing (Vig.Cell) Department

G.O.Ms.No. 3

Dated:06.01.2012

Read the following:

1. Government Memo No.2205/Vig.Cell/2001-14, dated 22.6.2001.
2. From the Additional Director General of Police, Crime Investigation Department, Andhra Pradesh, Hyderabad, Letter C.No.3816/C-26/Crime Investigation Department /2001, dated 03.06.2011.

ORDER:

Whereas, Sri B. Mallesham (A-6), worked as Deputy Executive Engineer / Works Manager, North Division, Andhra Pradesh Housing Board, Hyderabad from 19.8.1989 to 18.8.1994 and as such, he is a public servant within the meaning of clause (c) of Section 2 of the Prevention of Corruption Act, 1988 (Act 49 of 1988) and Section 21 of the Indian Penal Code, 1860 (Act 45 of 1860).

2. And whereas, it was reported by the Additional Director General of Police, Crime Investigation Department, Andhra Pradesh, Hyderabad that during the investigation in Cr.No.78/2001 of Sanathnagar Police Station being investigated by Crime Investigation Department that, the officials of Housing Board indulged in gross irregularities while executing the housing scheme undertaken by the said Board and given pecuniary advantage to one Sri Jitender D. Patel (A-13) in violation to the established norms and dented the ex-chequer of Government of Andhra Pradesh only to get the wrongful gain.

3. And whereas, it was further reported that Sri B. Mallesham (A-6), the then Deputy Executive Engineer / Works Manager, North Division, Andhra Pradesh Housing Board, Hyderabad worked in the above capacity under Sri B. Damodar (A-4) and Sri G. Chandraiah (A-5). On the endorsement of both A-4 and A-5, Sri B. Mallesham (A-6) prepared the estimates at an higher price than the existing marketing price for onward transmission to the Superintending Engineer through his administrative head, i.e., A-4 & A-6 for approval and sanction of work to the private contractor.

4. And whereas, it was further reported that in result Sri Surender Bahadur (A-1) and Sri Hadi Hisamuddin (A-2), who is expired and Sri K. Jaganmohan Reddy (A-3), who is no more, executed Memorandums Of Understanding with Sri Jitender D. Patel (A-13) with inflated prices.

5. And whereas, it was further reported that while sanctioning the final bill Sri B. Mallesham (A-6) did not insist the production of No Objection Certificate from Sales Tax Department pertaining to Sri Jitender D. Patel (A-13) and cleared the bill without deducting the Sales Tax which was in gross violation to the clause 18.5 of the Memorandums Of Understanding executed between A-1 to A-3 and A-13. In result, A-13 was monetarily benefited at the cost of ex-chequer of Government of Andhra Pradesh Investigation also disclosed that Sri Jitender D. Patel (A-13), who is the Proprietor of five unregistered firms paid back the arrears of Sales Tax during the year 2001 after issue gained popularity in the media.

6. And whereas, it was further reported that the officials of Housing Board including Sri B. Mallesham (A-6) have conspired and showered various sops out of way and in illegitimate manner to A-13 only to get mutually benefited in terms of pecuniary advantages at the cost of Government funds. Investigation also disclosed that, Sri B. Mallesham (A-6) who is supposed to verify the Form –X while unloading the wood material from the private contractors deliberately failed to insist for the

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production of Form – X obviously for pecuniary benefits. In result, five unregistered firms owned by Sri Jitender D. Patel (A-13) managed to dump the wood material in the Wood Working Plant at Bharat Nagar.

7. And whereas, the aforesaid acts of Sri B. Mallesham (A-6) constitute an offence punishable under Sections 120-B, 409, 468 and 420 of the Indian Penal Code and Clauses (c) and (d) of subsection (1) of Section 13 read with subsection (2) of section 13 of Prevention of Corruption Act 1988 (Act 49 of 1988).

8. And whereas, the Government of Andhra Pradesh being the Competent Authority to remove the said Sri B. Mallesham(A-6) from service, after careful examination of documentary and oral evidence and the report of Additional Deputy General of Police, Crime Investigation Department, Andhra Pradesh, Hyderabad and other material placed, satisfied in respect of the said allegation and having regard to the facts and circumstances of the case, consider that the said Sri B. Mallesham (A-6) should be prosecuted in a Court of law having jurisdiction for the said offences.

9. Now, therefore, in exercise of the powers conferred under clause (b) of sub-section (1) of Section 19 of the Prevention of Corruption Act, 1988 (Act 49 of 1988) and Section 197 of the Criminal Procedure Code, 1973, the Government of Andhra Pradesh hereby accord sanction for the prosecution of the said Sri B. Mallesham (A-6), worked as Deputy Executive Engineer / Works Manager, North Division, Andhra Pradesh Housing Board, Hyderabad for the said offences punishable under Sections 120-B, 409, 468 and Section 420 of the Indian Penal Code and clauses (c) & (d) of subsection (1) of Section 13 read with subsection (2) of section 13 of the Prevention of Corruption Act, 1988(Act 49 of 1988) and for any other cognate offence or offences punishable under any other provisions of law for the time being in force in respect of the aforesaid acts and for taking cognizance of the said offences by a Court of competent jurisdiction.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

DR. MANMOHAN SINGH
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Additional Director General of Police,
Crime Investigation Department,
Andhra Pradesh, Hyderabad.
Copy to
Law (B) Department
SF / SC

// FORWARDED :: BY ORDER //

SECTION OFFICER